

**HOME INSPECTOR ADVISORY COMMITTEE  
1400 EAST WASHINGTON AVENUE, MADISON, WI  
MINUTES  
WEDNESDAY SEPTEMBER 12, 2001**

**PRESENT:** Jerome Baumgardt, Larry Engen, Mark Jankowski, Norbert Lovata, Mark Thomas and Brian Vanden Heuvel and Debbie Conrad for Rick Staff

**EXCUSED:** Richard Staff and Rita McCain

**STAFF PRESENT:** Cletus Hansen and Jacquelynn Rothstein

**GUEST:** David Kolesari, Wisconsin Association of Auctioneers

**CALL TO ORDER**

The meeting was called to order at 9:35 a.m. by Clete Hansen, Administrator of the Division of Business Licensure and Regulation.

**AGENDA**

**MOTION:** Mark Jankowski moved, seconded by Jerome Baumgardt, to approve the agenda as written. Motion carried unanimously.

**MINUTES (5/16/01)**

The committee discussed whether the motion under Home-Link Service Center on page 2 was accurate. Mark Thomas initially was concerned that the minutes were not accurate; however, he concluded that the motion should stand, as written. He and other committee members suggested that when issues come up in the future which cause a conflict of interest for a committee member who is too closely involved in the issue, such as Rick Staff's involvement in the Home-Link issue, the committee member should not take part in any decisions regarding that matter. The Committee also discussed correspondence between Bill Malkasian of the Wisconsin Realtors Association and Secretary Oscar Herrera concerning public membership on the Committee.

**MOTION:** Brian Vanden Heuvel moved, seconded by Norbert Lovata, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Cletus J. Hansen, Administrator**

**i. Roster**

No changes were suggested.

## **ii. Next Meeting Date**

Wednesday, December 5, 2001.

## **LEGISLATION**

The Committee noted LRB-2609/1, relating to the removal of the 30-day filing requirement before the examination.

The Committee noted the registration fee changes in 2001 Wisconsin Act 16, relating to the biennial budget.

## **ADMINISTRATIVE RULES UPDATE**

Clete Hansen summarized the rule revisions that became effective on June 1, 2001.

## **UPDATE ON EXAMINATIONS**

Brian Vanden Heuvel talked about his experiences as a participant in a two-day review of the national exam. He said the review committee threw out about 400 questions and spent many hours writing and critiquing new questions. He said that the national review committee felt that the exam should have questions on code requirements, earthquakes, tornadoes, volcanoes and things of that nature, because it is, indeed, a national exam. The Committee suggested that the Department ought to inform registrants and applicants that home inspectors do not have to address code requirements in their reports; however, home inspectors will have to understand national building code requirements to do well on the exam. The Committee expressed its satisfaction with the national exam.

Barb Showers and Darwin Tichenor joined the Committee toward the end of the meeting. Barb Showers informed the Committee that Duane Dorn has accepted a position with the Wisconsin Department of Justice. It will be a promotion for him; however, the Department of Regulation and Licensing will be sorry to lose him. Dr. Showers also announced that Darwin Tichenor will now work on the home inspector exams.

Darwin Tichenor gave an oral report concerning the statistics for the state part of the examination.

The Committee noted the Suggested Readings and References document, relating to the National Home Inspector Examination, as well as the National Home Inspector Examination Topics document. Clete Hansen said that these documents are now sent out with all application packets.

## **HOME INSPECTOR EDUCATION**

The Committee noted correspondence sent by Clete Hansen to John Hendricks of the National Institute of Building Inspectors. The Committee especially adverted to the propriety of distance learning and the need to assure credibility of distance learning programs.

### **PAYMENT OF REFERRAL FEES**

The Committee noted the letter sent by Attorney Kent Tess-Mattner to William Dusso on May 1, 2001, relating to the Home-Link Service Center.

### **COMPLAINTS AGAINST HOME INSPECTORS**

Clete Hansen gave Committee members a copy of the list of complaints against home inspectors, received during 2001. Several committee members and the guest discussed complaints concerning inappropriate practices of home inspectors or unlicensed persons, such as advertising practices giving referral fees. Clete Hansen suggested appropriate follow-up. In the one case, the complaint should be filed as a home inspector complaint (rather than a real estate complaint); in the other case more information should be provided to the Department.

The Committee discussed s. 440.978, Wis. Stats., and wondered what was meant by “A home inspector is not liable to a person...” Liable to whom?

### **ISSUES RELATING TO CHAPTER 440, SUBCHAPTER X, AND CHAPTERS RL 131-135, WISCONSIN ADMINISTRATIVE CODE**

#### **Definition of Home Inspection**

Committee members discussed the applicability of the definition of “home inspection” to commercial properties, restaurants with apartments upstairs and condominiums. The Committee concluded that the best advice for home inspectors is that they should clarify in their contracts what the client wants them to inspect. Jacquelyn Rothstein reminded the Committee that a building consisting of more than 4 units is not covered by this law. Committee members agreed that the Committee may be spending time addressing something that has not been a problem (i. e. multiple-use properties and condominiums).

The Committee noted the statutes of some other states and informally agreed that they do not more clearly define home inspection than the Wisconsin statutes.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

**MOTION:** Mark Thomas moved, seconded by Mark Jankowski, that the Committee requests the Department to review the criteria, relating to when a committee member should abstain from discussing and voting on an issue for which the committee member has a conflict of interest due to his or her personal involvement in the matter. Motion carried unanimously.

Committee members expressed an interest in still receiving a report from the Wisconsin Realtors Association, regarding the supply of registered home inspectors.

### **ADJOURNMENT**

**MOTION:** Brian Vanden Heuvel moved, seconded by Mark Jankowski, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:59 a.m.